

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1-94-CR-8
vs.)
)
CARLUS F. RICE) JUDGE EDGAR

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on March 24, 2006, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Joey Byars and the Warrant for Arrest issued by U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Chris Poole for the USA.
- (2) The defendant, CARLUS F. RICE.
- (3) Attorney Tony Martinez for defendant.
- (4) U.S. Probation Officer Joey Byars.
- (5) Deputy Clerk Pam Scott.
- (6) Court Reporter Bridgette Law.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualifies for the appointment of an attorney to represent him at government expense. Attorney Tony Martinez of Federal Defender Services was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. Martinez. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing but requested release on bond.

Findings

- (1) Based upon U.S. Probation Officer Joey Byars' petition and testimony, and the defendant's waiver of preliminary hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised

release as alleged in the petition.

(2) The defendant has not carried his burden under Rule 46(c) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

(1) The defendant, CARLUS F. RICE, shall appear in a revocation hearing before U.S. District Judge R. Allan Edgar.

(2) The motion of defendant that bond be allowed is DENIED. The defendant shall be detained without bail.

(3) The U.S. Marshal shall transport CARLUS F. RICE to a revocation hearing before Judge Edgar on **Monday, April 3, 2006, at 1:00 p.m.**

ENTER.

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE